

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBOTT DIABETES CARE, INC., a Delaware corporation, )  
Plaintiff, )  
v. ) C.A. No. 05-590 (GMS)  
DEXCOM, INC., a Delaware corporation, )  
Defendant. )  
\_\_\_\_\_  
)

**STIPULATION AND [PROPOSED] ORDER**

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that Abbott Diabetes Care, Inc. may have a one-week courtesy extension to September 22, 2005 in which to file its answering brief in opposition to defendant's motion to dismiss (D.I. 5). The parties stipulate that this extension is without prejudice to Abbott's position in its pending motion (D.I. 9) that discovery and a corresponding extension of the briefing schedule on DexCom's motion to dismiss are warranted and to DexCom's position that discovery and a corresponding extension are not warranted .

MORRIS, NICHOLS, ARSHT & TUNNELL ASHBY & GEDDES

*/s/ Mary B. Graham*

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*Attorneys for Defendant  
DexCom, Inc.*

Dated: September 12, 2005

SO ORDERED this \_\_\_\_ day of September, 2005.

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Judge, United States District Court

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